COPY

Supreme Court, U.S.
FILED

No. 98 433 SEP 10

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

W.A. MERKLE, Warden, *Petitioner*,

v.

CLYDE EDWIN SEIDEL, *Respondent*.

ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

DANIEL E. LUNGREN
Attorney General
GEORGE H. WILLIAMSON
Chief Assistant Attorney General
RONALD A. BASS
Senior Assistant Attorney General
LAURENCE K. SULLIVAN*
Supervising Deputy Attorney General
RENÉ A. CHACÓN
Deputy Attorney General
*Counsel of Record
50 Fremont Street, Suite 300
San Francisco, California 94105
Telephone: (415) 356-6106
Counsel for Petitioner

53 pp.

QUESTIONS PRESENTED

1. May a state inmate receive a federal evidentiary hearing on a claim of ineffective assistance of counsel and present evidence never alleged as the basis for the claim in the state court, where the state afforded the inmate a full and fair hearing on his federal claim?

2. Does a ruling by the Ninth Circuit Court of Appeals circumvent the holding of *Keeney v. Tamayo-Reyes*, 504 U.S. 1 (1992), relieving the state inmate from his burden to demonstrate cause and prejudice from his failure to develop a material fact in the state court proceedings?

TABLE OF CONTENTS

	Page
OPINION OR JUDGMENT BELOW	1
STATEMENT OF JURISDICTION	1
CONSTITUTIONS, STATUTES OR REGULATIONS	2
STATEMENT OF THE CASE	5
SUMMARY OF ARGUMENT	7
ARGUMENT	8
SINCE THE STATE PROVIDED SEIDEL WITH A FULL AND FAIR HEARING ON HIS FEDERAL CLAIMS, SEIDEL WAS NOT ENTITLED TO A FEDERAL EVIDENTIARY HEARING TO DEVELOP MATERIAL FACTS NEVER PRESENTED TO THE STATE COURTS ABSENT CAUSE AND PREJUDICE SHOWINGS FOR HIS FAILURE	8
A. Factual Background	9

TABLE OF CONTENTS, CONT'D

B. Because Seidel Did Not Show Cause For His Failure To Develop The Record In State Court And Actual Prejudice From His Failure, The District Court And Court Of Appeals Erred In Allowing Seidel To Conduct An Evidentiary Hearing 10

C. The Ninth Circuit Incorrectly Concluded That Under These Facts, The District Court Retained Discretion To Order An Evidentiary Hearing *Sua Sponte* 14

CONCLUSION 16

TABLE OF AUTHORITIES

	Page
Cases	
Burden v. Zant 498 U.S. 433 (1991)	15
Clemmons v. Delo 124 F.3d 944 (8th Cir. 1997)	7
Fay v. Noia 372 U.S. 391 (1963)	11
Keeney v. Tamayo-Reyes 504 U.S. 1 (1992)	i, 5-8, 10-14
Lindh v. Murphy 521 U.S. 320 117 S. Ct. 2059 138 L. Ed. 2d 481 (1997)	3
Lonchar v. Thomas 517 U.S. 314 116 S. Ct. 1293 134 L. Ed. 2d 440 (1996)	8
Mathis v. Zant 975 F.2d 1493 (11th Cir. 1992)	7, 13
McCleskey v. Zant 499 U.S. 467 111 S. Ct. 1454 113 L. Ed. 2d 517 (1991)	8

TABLE OF AUTHORITIES, CONT'D

Mitchell v. Rees
114 F.3d 571 (6th Cir. 1997)
cert. denied, 118 S. Ct. 1062 (1998) 7, 13

Murray v. Carrier
477 U.S. 478 (1986) 9

Pagan v. Keane
984 F.2d 61 (2d Cir. 1993) 7

Seidel v. Merkle
146 F.3d 750 (9th Cir. 1998) 1, 6

Stone v. Powell
428 U.S. 465 (1976) 11

Sumner v. Mata
449 U.S. 539 (1981) 13, 15

Sumner v. Mata
455 U.S. 591 (1982) 15

Townsend v. Sain
372 U.S. 293 (1963) 8, 9, 11, 12, 14

Constitutional Provisions

United States Constitution
Article VI, clause 2 2
Tenth Amendment 2

TABLE OF AUTHORITIES, CONT'D

Statutes

28 United States Code
§ 1254(1) 1
§ 2254 2, 5, 12
§ 2254(d) 3, 8, 13, 15

California Penal Code
§ 187 5
§ 1181(6) 9
§ 2254(d) 13
§ 12022(b) 5

Court Rules

Supreme Court Rules
Rule 10(a) 1
Rule 10(c) 1

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

No.

W.A. MERKLE, Warden, *Petitioner*,

v.

CLYDE EDWIN SEIDEL, *Respondent*.

W.A. Merkle, Warden of the California Correctional Center at Susanville, California, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case.

OPINION OR JUDGMENT BELOW

The opinion of the United States Court of Appeals for the Ninth Circuit is reported as *Seidel v. Merkle*, 146 F.3d 750 (9th Cir. 1998). A copy of that decision is attached to this petition as Appendix A. The order of the United States District Court for the Northern District of California that granted the petition for writ of habeas corpus is unreported and is reproduced and attached to this petition as Appendix B.

STATEMENT OF JURISDICTION

The Court has jurisdiction pursuant to 28 U.S.C. § 1254(1) and Supreme Court Rules 10(a) and (c). The

judgment of the United States Court of Appeals for the Ninth Circuit was entered on July 20, 1998.

CONSTITUTIONS, STATUTES OR REGULATIONS

Article VI, clause 2, of the United States Constitution provides:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Tenth Amendment of the United States Constitution provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

28 U.S.C. § 2254 provides in pertinent part:

> (a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.

Former 28 U.S.C. § 2254(d) (Act of Nov. 2, 1966, Pub. L. No. 89-711, 80 Stat. 1105-1106)[1] provided:

> In any proceeding instituted in a Federal court by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination after a hearing on the merits of a factual issue, made by a State court of competent jurisdiction in a proceeding to which the applicant for the writ and the State or an officer or agent thereof were parties, evidenced by a written finding, written opinion, or other reliable and adequate written indicia, shall be presumed to be correct, unless the applicant shall establish or it shall otherwise appear, or the respondent shall admit—
>
> (1) that the merits of the factual dispute were not resolved in the State court hearing;
>
> (2) that the factfinding procedure employed by the State court was not adequate to afford a full and fair hearing;
>
> (3) that the material facts were not adequately developed in the State court hearing;
>
> (4) that the State court lacked jurisdiction of the subject matter or

---

1. While the case was pending in the district court, 28 U.S.C. § 2254 was amended by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214 (April 24, 1996). This Court has found, in part, that Congress did not intend for changes to 28 U.S.C. § 2254 to apply to cases pending in federal court on the date of enactment. *Lindh v. Murphy*, 521 U.S. 320, 117 S. Ct. 2059, 138 L. Ed. 2d 481 (1997).

over the person of the applicant in the State court proceeding;

(5) that the applicant was an indigent and the State court, in deprivation of his constitutional right, failed to appoint counsel to represent him in the State court proceeding;

(6) that the applicant did not receive a full, fair, and adequate hearing in the State court proceeding; or

(7) that the applicant was otherwise denied due process of law in the State court proceeding;

(8) or unless that part of the record of the State court proceeding in which the determination of such factual issues was made, pertinent to a determination of the sufficiency of the evidence to support such a factual determination, is produced as provided for hereinafter, and the Federal court on a consideration of such part of the record as a whole concludes that such factual determination is not fairly supported by the record:

And in an evidentiary hearing in the proceeding in the Federal court, when due proof of such factual determination has been made, unless the existence of one or more of the circumstances respectively set forth in paragraphs numbered (1) to (7), inclusive, is shown by the applicant, otherwise appears, or is admitted by the respondent, or unless the court concludes pursuant to the provisions of paragraph numbered (8) that the record in the State court proceeding, considered as a whole, does not fairly support such factual determination, the

burden shall rest upon the applicant to establish by convincing evidence that the factual determination by the State court was erroneous.

STATEMENT OF THE CASE

On October 2, 1990, a Humboldt County Superior Court jury convicted Seidel of second-degree murder and found that Seidel was armed with and used a deadly weapon. Cal. Pen. Code §§ 187, 12022(b). On November 22, 1991, the trial court sentenced Seidel to state prison for the term of fifteen years to life for murder and imposed a consecutive one-year term on the weapon-use enhancement.

On April 16, 1993, the state appellate court affirmed the judgment. On July 21, 1993, the California Supreme Court denied the petition for review.

On March 10, 1994, Seidel filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus in the district court.

On October 11, 1995, the district court held that "Seidel's petition for a writ of habeas corpus requires factual determinations that cannot be made on the pleadings," and referred the matter to a federal magistrate to conduct an evidentiary hearing on Seidel's allegations of ineffective assistance of state trial counsel. The State moved for reconsideration, arguing that *Keeney v. Tamayo-Reyes*, 504 U.S. 1 (1992), required Seidel to demonstrate cause and prejudice from his failure to develop material facts in the state courts. On October 26, 1995, the district court denied respondent's motion for reconsideration.

On November 15, 1996, the magistrate presided over an evidentiary hearing and later issued findings and conclusions.

The State filed objections to the magistrate's findings and conclusions. The State argued, in part, that

Keeney v. Tamayo-Reyes precluded a federal evidentiary hearing absent a cause and prejudice showing by Seidel and that the magistrate's finding and conclusions were irrelevant.

On March 27, 1997, the district court implicitly rejected respondent's argument by granting the petition for a writ of habeas corpus based on the evidence from the evidentiary hearing, and set aside the underlying murder conviction. *See* Appendix B.

On April 15, 1997, the State filed a notice of appeal in the Ninth Circuit Court of Appeals.

On July 20, 1998, the Ninth Circuit Court of Appeals affirmed the judgment of the district court. The court held that a federal habeas corpus petitioner does not have to establish cause and prejudice pursuant to *Keeney v. Tamayo-Reyes* for the district court to conduct an evidentiary hearing where the state provided petitioner with a full and fair hearing on his federal claim. *See* Appendix A; *Seidel v. Merkle*, 146 F.3d 750.

SUMMARY OF ARGUMENT

Federal Courts of Appeals disagree on the issue the California warden asks the Court to resolve: whether *Tamayo-Reyes* altered the discretionary power of federal district courts to order an evidentiary hearing where the state provided petitioner with a full and fair hearing on his federal claims, or must petitioner demonstrate cause and prejudice for his failure to develop material facts before earning the privilege of an evidentiary hearing. Compare *Mitchell v. Rees*, 114 F.3d 571, 577 (6th Cir. 1997), *cert. denied*, 118 S. Ct. 1062 (1998) (requiring a cause and prejudice showing), and *Mathis v. Zant*, 975 F.2d 1493, 1496-97 (11th Cir. 1992) (reversing where the court failed to require a cause a prejudice showing), with *Pagan v. Keane*, 984 F.2d 61, 63-65 (2d Cir. 1993) (the court retains discretion to order an evidentiary hearing), and *Clemmons v. Delo*, 124 F.3d 944, 951-52 (8th Cir. 1997) (*Tamayo-Reyes* addresses only the circumstances under which an evidentiary hearing is required). Because uniformity among federal courts is important on questions of this order, the State petitions this Court for certiorari to end the division of authority.

ARGUMENT

SINCE THE STATE PROVIDED SEIDEL WITH A FULL AND FAIR HEARING ON HIS FEDERAL CLAIMS, SEIDEL WAS NOT ENTITLED TO A FEDERAL EVIDENTIARY HEARING TO DEVELOP MATERIAL FACTS NEVER PRESENTED TO THE STATE COURTS ABSENT CAUSE AND PREJUDICE SHOWINGS FOR HIS FAILURE

Former 28 U.S.C. § 2254(d) is an express limitation on the district court's jurisdiction. A district court is without authority to hold an evidentiary hearing on factual issues on which the state court has made findings unless one of the factors contained in § 2254(d) applies. It was error, therefore, for the district court to dispense with the presumption of correctness embodied in § 2254(d) and to order an evidentiary hearing.

Once a district court has properly determined that it may dispense with the presumption of correctness mandated by § 2254(d), the court has some discretion in determining whether to hold an evidentiary hearing. *See Lonchar v. Thomas*, 517 U.S. ___, ___, 116 S. Ct. 1293, 1300, 134 L. Ed. 2d 440 (1996) (citing Habeas Corpus Rule 8(a)); *Townsend v. Sain*, 372 U.S. 293, 318 (1963); *Keeney v. Tamayo-Reyes*, 504 U.S. at 11-12.

However, a habeas petitioner who has not developed the record in state court is entitled to an evidentiary hearing only if he shows (1) "cause for his failure to develop the facts in state-court proceedings and actual prejudice resulting from that failure" or (2) "that a fundamental miscarriage of justice would result from failure to hold a federal evidentiary hearing." *Keeney*, 504 U.S. at 11-12 (citing *McCleskey v. Zant*, 499 U.S. 467, 111

S. Ct. 1454, 113 L. Ed. 2d 517 (1991); *Murray v. Carrier*, 477 U.S. 478, 496 (1986)) (overruling *Townsend* in part). Therefore, a district court abuses its discretion by ordering such an evidentiary hearing without first requiring the petitioner to make the requisite showing.

A. Factual Background

In the state trial court, defense counsel moved for a new trial on the ground that the jury's verdict was "contrary to law or evidence." In the alternative, counsel sought modification of the verdict to a lesser crime. Cal. Pen. Code § 1181(6). Following a hearing on November 5, 1990, the trial court denied the motion for new trial.

On November 9, 1990, the trial court relieved defense counsel. On November 21, 1990, the trial court appointed new counsel for post-conviction proceedings.

On August 9, 1991, Seidel filed a petition for writ of habeas corpus in the trial court. Alternatively, Seidel asked the trial court to consider the petition a motion for a new trial and a motion to modify the verdict.

In August 13, 1991, the trial court issued a writ and ordered respondent to show cause why a writ of habeas corpus should not issue.

On October 4, 1991, Seidel sought the appointment of a psychologist to assist counsel in the presentation of his ineffective assistance of counsel claims. On October 10, 1991, the trial court appointed a psychologist to assist the defense.

By separate applications on October 16, 1991, and November 19, 1991, counsel filed in support of the habeas corpus petition copies of defendant's military records and a psychological assessment.

On November 22, 1991, the trial court held a hearing on the defense motion for a new trial and the petition for writ of habeas corpus. Counsel stated that he

chose not to subpoena witnesses for the hearing and would rely on the psychologist's report, and the records and declarations filed in support of the petition. Thereafter, the parties argued the petition for writ of habeas corpus and the motion for new trial. The judge, who had observed the performance of Seidel's previous counsel at trial, considered all declarations, reports, and arguments. The trial court denied the petition for writ of habeas corpus, discharged the writ, and denied the motion for new trial.

On direct appeal to the California Court of Appeal, Seidel did not allege that the trial court denied him a full and fair hearing on his ineffective assistance of counsel claims. The petition for review to the California Supreme Court likewise failed to allege that the trial court denied Seidel a full and fair hearing on his ineffective assistance of counsel claims.

On this record, the district court, in ordering an evidentiary hearing, held that "Seidel's petition for a writ of habeas corpus requires factual determinations that cannot be made on the pleadings." The district court did not require Seidel to demonstrate cause and prejudice for his failure to develop the record in the state courts.

B. Because Seidel Did Not Show Cause For His Failure To Develop The Record In State Court And Actual Prejudice From His Failure, The District Court And Court Of Appeals Erred In Allowing Seidel To Conduct An Evidentiary Hearing

In *Tamayo-Reyes*, this Court determined the standard a federal court should use when deciding if a habeas petitioner should receive an evidentiary hearing after he failed to develop a material fact in the state court proceedings. Several years earlier, this Court had established six circumstances wherein a federal court must

grant a habeas corpus petitioner an evidentiary hearing, the fifth of which was when "the material facts were not developed at the state-court hearing." *Townsend v. Sain*, 372 U.S. at 313.[2] The *Townsend* court held that a habeas corpus petitioner would not be entitled to a hearing if his failure to develop the facts was attributable to his inexcusable neglect. *Townsend*, 372 U.S. at 317. The Court defined inexcusable neglect by pointing to the standard for procedural default in *Fay v. Noia*, 372 U.S. 391, 438-39 (1963), *overruled by Stone v. Powell*, 428 U.S. 465 (1976). *Townsend*, 372 U.S. at 317. *Fay* held that a court could find excusable neglect only where there was a deliberate bypass of the state court procedure. *Fay*, 372 U.S. at 438. The *Tamayo-Reyes* court held that since the *Fay* standard for procedural default had changed to a cause and prejudice standard, a federal court should apply the cause and prejudice standard to determine if a habeas petitioner should get an evidentiary hearing in federal court after he failed to develop a material fact in state court proceedings. *Tamayo-Reyes*, 504 U.S. at 5-12.

This Court emphasized that the adoption of a standard that encourages full factual development of a claim in state court "is fully consistent and gives meaning to the requirement of exhaustion." *Tamayo-Reyes*, 504 U.S. at 9. Noting that Congress had incorporated "[t]he requirement that state prisoners exhaust state remedies

---

2. In *Townsend v. Sain*, 372 U.S. 293, the Court identified six circumstances in which an evidentiary hearing would be required: "(1) the merits of the factual dispute were not resolved in the state hearing; (2) the state factual determination is not fairly supported by the record as a whole; (3) the fact-finding procedure employed by the state court was not adequate to afford a full and fair hearing; (4) there is a substantial allegation of newly discovered evidence; (5) the material facts were not adequately developed at the state-court hearing; or (6) for any reason it appears that the state trier of fact did not afford the habeas applicant a full and fair fact hearing." *Id.* at 313.

before a writ of habeas corpus is granted by a federal court" under 28 U.S.C. § 2254, this Court declared that "Congress surely meant that exhaustion be serious and meaningful." *Tamayo-Reyes*, 504 U.S. at 9-10. The Court went on to state:

> Comity concerns dictate that the requirement of exhaustion is not satisfied by the mere statement of a federal claim in state court. Just as the state must afford the petitioner a full and fair hearing on his federal claim, so must the petitioner afford the state a full and fair opportunity to address and resolve the claim on the merits.

Id. at 10. The *Tamayo-Reyes* court partially overruled *Townsend*, addressing the availability of a hearing under the fifth circumstance. The court's analysis applies equally to all but the second of the remaining circumstances identified in *Townsend*, however. Necessarily, a finding that a hearing is required under the first, third, fourth, or sixth circumstances would, like the fifth circumstance at issue in *Tamayo-Reyes*, indicate that a petitioner had exhausted his state remedies only because his failure to fully and fairly present his state claim in state-court proceedings and receive a full and fair hearing thereon had resulted in a situation constituting either a partial or complete procedural default of the claim. Each of the circumstances listed in *Townsend*, with the exception of the second, describes a circumstance wherein a state prisoner has not exhausted his state remedies by way of a full factual development of his claim, a full and fair hearing in state court, followed by a determination of the merits of the claim. *See Keeney v. Tamayo-Reyes*, 504 U.S. at 8-10.[3] Instead, those circumstances indicate the

---

3. Outside the context of a procedural default situation, a state

petitioner has failed to ensure that full factual development of his claim take place in state court, or that a state procedural bar prevents him from developing his claim.

Because Seidel did not show cause for his failure to develop the record in state court and actual prejudice from his failure, the district court erred in allowing Seidel to conduct an evidentiary hearing in federal court on his habeas corpus claims. The opinion of the Ninth Circuit Court of Appeals circumvents the clear holding of *Tamayo-Reyes*, and is inconsistent with at least two other circuit decisions. *See Mitchell v. Rees*, 114 F.3d 571, 577; *Mathis v. Zant*, 975 F.2d 1493, 1496-97.

---

court's failure to afford a litigant an adequate and fair fact-finding procedure will likely occur only rarely as this Court has broadly defined a "determination on the merits of a factual issue": "[T]he California Court of Appeal made the factual determinations at issue here and it did so after a review of the trial court record. Nevertheless, it clearly held a 'hearing' within the meaning of § 2254(d). Both respondent and the State were formally before the court. Respondent was given an opportunity to be heard and his claim received plenary consideration even though he failed to raise it before the trial court. After respondent presented his case to the state appellate court, that court concluded in a written opinion that 'the facts of the present case' did not adequately support respondent's claim. Since that court was requested to determine the issue by respondent, we do not think he may now be heard to assert that its proceeding was not a 'hearing' within the meaning of § 2254(d). . . . ¶ . . . Section 2254(d) by its terms thus applies to factual determinations made by state courts, whether the court be a trial court or an appellate court. [Citation.] This interest in federalism recognized by Congress in enacting § 2254(d) requires deference by federal courts to factual determinations of all state courts." *Sumner v. Mata*, 499 U.S. 539, 546-47 (1981).

C. The Ninth Circuit Incorrectly Concluded That Under These Facts, The District Court Retained Discretion To Order An Evidentiary Hearing *Sua Sponte*

Relying in part on Justice O'Connor's dissenting opinion in *Tamayo-Reyes*, the Ninth Circuit held that *Tamayo-Reyes* did not affect a district court's "broad authority" to consider any evidence relevant to a federal habeas petitioner's claim. *See* Appendix A at 7751-52; *see also Tamayo-Reyes*, 504 U.S. at 23 (O'Connor, J., dissenting) ("[T]he district courts . . . still possess the discretion, which has not been removed by today's opinion, to hold hearings even where they are not mandatory.").

The Ninth Circuit opinion fails to recognize, however, the *Tamayo-Reyes* majority's direct response to the dissenter's view. In relevant part, the majority notes: "[¶] It is not surprising, then, that none of the cases cited by Justice O'Connor remotely support *Townsend*'s requirement for a hearing in any case where the 'material facts were not adequately developed at the state-court hearing' due to petitioner's own neglect. [*Townsend*,] 372 U.S., at 313." *Tamayo-Reyes*, 504 U.S. at 5-6 n. 2 (White, J., majority opn.).

Ours is such a case. Given every reasonable opportunity by the State to perfect his federal claim, Seidel produced a record the federal district court correctly found wanting. However, by relieving Seidel of his cause and prejudice burdens, the district court and the Ninth Circuit Court of Appeals defeated the concerns of finality, comity, judicial economy, exhaustion, and uniformity in governing of habeas corpus principles which this Court found decisive in *Tamayo-Reyes*, 504 U.S. at 8-10. The Ninth Circuit opinion effectively guts *Tamayo-Reyes*. It excuses Seidel's failure to develop material facts in the state-court proceedings with nary a thought either

to Seidel's cause and prejudice burdens or to the lack of deference given to the state court's findings made after a full and fair hearing. *See Sumner v. Mata*, 449 U.S. at 550-52; *Sumner v. Mata*, 455 U.S. 591, 597-98 (1982); *Burden v. Zant*, 498 U.S. 433, 437 (1991) (*per curiam*) ("A habeas court may not disregard the presumption [of correctness] unless it expressly finds that one of the enumerated exceptions to § 2254(d) is met, and it explains the reasoning in support of that conclusion.").

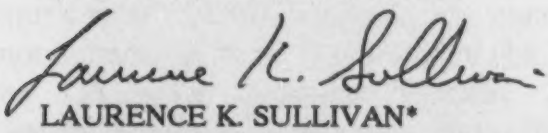
CONCLUSION

Accordingly, for the foregoing reasons, petitioner respectfully prays that a writ of certiorari issue to the United States Court of Appeals for the Ninth Circuit in the case at bar.

Dated: September 5, 1998.

Respectfully submitted,

DANIEL E. LUNGREN
Attorney General
GEORGE H. WILLIAMSON
Chief Assistant Attorney General
RONALD A. BASS
Senior Assistant Attorney General



LAURENCE K. SULLIVAN*
Supervising Deputy Attorney General
RENÉ A. CHACÓN
Deputy Attorney General
*Counsel of Record

Counsel for Petitioner

SF1997FA0017